

REMARKS

This Application has been carefully reviewed in light of the Official Action mailed October 31, 2006. Claims 1-20 are pending in this Application. Applicant respectfully requests reconsideration and favorable action in this Application.

Claims 9-12 stand rejected under 35 U.S.C. §102(b) as being anticipated by Izawa, et al. Independent Claims 9-12 recite in general a single packet comprising a first header section and a first payload section associated with the first header section, a second header section and a second payload section associated with the second header section, and a trailer section. By contrast, the Izawa, et al. patent merely shows that the header, payload, and trailer sections of an L3-PDU can be placed into the payload of multiple L2-PDUs. Thus, an individual L3-PDU encapsulates a single header section, a single payload section, and a trailer section. Similarly, an individual L2-PDU encapsulates a single header section, a single payload section, and a trailer section. Thus, the Izawa, et al. patent fails to disclose an individual packet data unit, either a L3-PDU or a L2-PDU, that encapsulates all of a first header section, an associated first payload section, a second header section, an associated second payload section, and a trailer section as required by the packet of the claimed invention.

The Examiner argues that the L2 unit includes a BOM with a header section, a payload section, and a trailer section and an EOM with a header section, a payload section, and a trailer section. However, the BOM and EOM are separate packets. The Examiner further argues that the L3-PDU encapsulates a plurality of L2-PDUs. This is simply not true and the Examiner's interpretation is misplaced. The L3-PDU does not carry nor is it composed of a plurality of L2-PDUs as

suggested by the Examiner. The L2-PDUs include separate BOM, COM, and EOM packets but these BOM, COM, and EOM packets are not placed in their entirety into a L3-PDU as the Examiner would suggest. As shown in FIGURE 10 and discussed at column 1, lines 26-43, of the Izawa, et al. patent, the L3-PDU has a single header section and a single trailer section along with its payload. Similarly, each of the L2-PDUs has a single header section and a single trailer section along with its payload. The L3-PDU can be converted into several L2-PDUs by placing various segments of the L3-PDU into one or more L2-PDUs. However, as shown in FIGURE 10 of the Izawa, et al. patent and known to those skilled in the art, the L3-PDU does not encapsulate or carry any header or trailer sections of a L2-PDU. As a result, there is no capability for the L3-PDU of the Izawa, et al. patent to be a single packet with a first header section and a first payload section associated with the first header section, a second header section and a second payload section associated with the second header section, and a trailer section as required by the claimed invention. Therefore, Applicant respectfully submits that Claims 9-12 are not anticipated by the Izawa, et al. patent.

Applicant notes with appreciation the allowance of Claims 1-8 and 13-20. Applicant respectfully disagrees with the Examiner's reasons for allowance to the extent that they are inconsistent with applicable case law, statutes, and regulations. Furthermore, Applicant does not admit to any characterization or limitation of the claims or to any characterization of a reference by the Examiner, particularly any that are inconsistent with the language of the claims considered in their entirety and including all of their constituent limitations.

ATTORNEY DOCKET NO.
069116.0180
(PB 01 0044)

PATENT APPLICATION
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Applicant respectfully requests the Examiner to provide an indication that the documents cited in the Information Disclosure Statement of August 14, 2003 have been considered during the examination of this Application. For the Examiner's convenience, attached herewith is a copy of the substitute Form 1449 previously submitted.

CONCLUSION

Applicant has made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other apparent reasons, Applicants respectfully request full allowance of all pending claims.

The Commissioner is hereby authorized to charge any fees or credit any overpayments associated with this Application to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.

Attorneys for Applicants



Charles S. Fish

Reg. No. 35,870

January 31, 2007

CORRESPONDENCE ADDRESS:

2001 Ross Avenue, Suite 600

Dallas, TX 75201-2980

(214) 953-6507

Customer Number: 50627